

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DARIUS L. SUMPTER,)	
)	
Petitioner,)	
)	
v.)	No. 4:16-CV-737 NCC
)	
MICHAEL BOWERSOX,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion for leave to proceed in forma pauperis. The motion is denied.

Petitioner has filed a certified copy of his prison trust account statement. The statement reflects that in the six-month period preceding the filing of the petition, a total of \$1,158.36 was deposited to his account. As of the date he mailed his petition to the Court, he had a balance of no less than \$143.34. Petitioner can afford to pay the \$5.00 filing fee.

Petitioner stated in his motion that he had no sources of income outside of the \$8.50 payroll tip. He further stated that he had no funds in his trust account. The statements were dishonest. Petitioner signed the motion under penalty of perjury. Specifically, petitioner signed under the following statement:

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I UNDERSTAND THAT PROVIDING FALSE INFORMATION MAY SUBJECT ME TO CRIMINAL PROSECUTION[,] IMPOSITION OF A FINE OR OTHER SANCTIONS THAT MAY ADVERSELY AFFECT MY ABILITY TO PURSUE THIS CASE OR OTHER CASES. I HAVE REVIEWED MY ANSWERS TO INSURE THEIR ACCURACY.

Petitioner is warned that any further untruthful statements in this case **will result in sanctions, up to and including the dismissal of this action with prejudice.**

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **DENIED** with prejudice.

IT IS FURTHER ORDERED that petitioner must pay the \$5.00 filing fee within fourteen (14) days of the date of this Order. Petitioner is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that if petitioner does not timely pay the filing fee, the Court will dismiss this action without prejudice. No extensions will be provided.

Dated this 17th day of June, 2016.

A handwritten signature in cursive script, reading "Audrey G. Fleissig", is written over a horizontal line.

AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE